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New York

President:	Mr. Tafrov	(Bulgaria)
Members:	Angola	Mrs. Manuel
	Cameroon	Mr. Tidjani
	Chile	Mr. Andereya Latorre
	China	Mr. Cheng Jingye
	France	Mrs. D'Achon
	Germany	Mr. Von Bieberstein
	Guinea	Mr. Touré
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mrs. Golovnya
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Lake
	United States of America	Mr. Olson

Agenda

Protection of civilians in armed conflict

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The meeting was resumed at 3.10 p.m.

The President (*spoke in French*): I would remind representatives that, in order to optimize the use of our time, I will not individually invite speakers to take seats at the table. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the Council table.

The first speaker on my list is the Permanent Representative of Japan, to whom I give the floor.

Mr. Haraguchi (Japan): I would like to welcome the decision of the Security Council to convene this open debate on the issue of the protection of civilians in armed conflict, which is of great concern to all Member States. I wish to commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its work in updating the aide-memoire as well as the road map on protection of civilians in armed conflict.

Let me also take advantage of this opportunity to welcome the press statement by the President of the Security Council — you yourself — issued yesterday on the condemnation of the attacks in Iraq on foreign and Iraqi nationals and on international and coalition personnel, including two fellow Japanese diplomats.

Japan shares the conviction that, under any and all circumstances, civilians should be protected from becoming the targets of deliberate attacks. Attacks on vulnerable civilians, who have no means of defending themselves — especially children and women — are disgraceful, barbaric and cowardly acts. They also destroy the basic fabric of society, generate enmity and mutual distrust, and do irreparable harm to any opportunity for rehabilitating post-conflict communities. Every attack against civilians must be strongly condemned and the perpetrators brought to justice in accordance with international law.

The protection of civilians in armed conflict is an area where a human security approach is also indispensable. As the report of the Commission on Human Security points out, human security should be placed on the security agenda, and humanitarian action should be strengthened; these are two important policies, which must be enhanced. Japan is determined to cooperate closely with the various stakeholders to promote human security in this field.

The aide-memoire is an important tool; it helps to guide us in our consideration of protection issues. Threats to civilians are so diverse and complex that we may find it difficult to focus our efforts. However, we must not become confused in the face of seemingly complicated situations. Let me try to draw a clearer picture of the challenges we face and the tasks ahead of us with respect to the protection of civilians by discussing the sources, types and duration of threats to civilians in armed conflict.

First, let me turn to the sources of threats and ways to address them. In recent times, while the number of armed conflicts taking the form of traditional wars between sovereign States is down, we have, however, witnessed an alarming increase in armed conflicts within national borders, or sometimes across national borders, between Governments and rebel groups or among non-State parties. Such armed conflicts often take place because of bitter enmity based on such factors as tribal, ethnic or religious differences. In such cases, the hostilities are usually extremely intense, and a large number of civilians tend to fall victim to them.

Protecting civilians in the midst of armed conflict under such circumstances requires the engagement of those groups that have taken up arms. In many cases, only neutral players such as special representatives of the Secretary-General or the Emergency Relief Coordinator can accomplish this. These are among the few agents who are in a position to communicate directly with armed groups to remind them of the necessity of protecting civilians and of their direct responsibility under international humanitarian law to do so.

Such involvement is sometimes looked upon with suspicion, as it is considered interference in internal affairs. However, it should not be viewed as a challenge to national sovereignty, especially when national authorities have failed, or have a limited capacity, to protect civilians. In reality, such a direct dialogue should be seen as an effort to complement national sovereignty.

Secondly, let me turn to the types of threats that exist. It is not sufficient simply to protect civilians from physical harm; their human dignity must also be protected. Vulnerable civilians cannot recover their dignity if they are left in extremely poor conditions as a result of armed conflict. They need to engage in their livelihoods free from fear of extreme poverty, starvation or deadly disease. They need to be

empowered in order to become constructive actors in their communities. Humanitarian and rehabilitation assistance plays an important role in addressing such needs.

Without proper arrangements to secure access to people in need and to ensure the safety of aid workers, however, such workers will be unable to perform their roles. Thus it is vital, through the concerted efforts of the international community, including direct dialogue with armed groups, to ensure that such arrangements are made. We should redouble our efforts to discuss the expansion of the scope of protection, under a clear definition, of the existing Convention on the Safety of United Nations and Associated Personnel.

Thirdly, on the duration of threats, we must bear in mind that civilians often continue to be in danger even after major battles have ended. We should not be misled by the rather artificial demarcation between conflict and post-conflict situations. So-called post-conflict situations often remain precarious and highly likely to revert to conflict situations in the absence of deliberate measures and attention.

The restoration of social stability is indispensable to the lasting protection of civilians. To that end, it is of the utmost importance to collect and destroy firearms that have been widely circulated throughout a society, and to demobilize ex-combatants and then rehabilitate them and reintegrate them into society as normal citizens — what is called the disarmament, demobilization, reintegration and rehabilitation (DDRR) process. The reconstruction of an impartial and dependable police force and of other law enforcement systems is indispensable, too. Furthermore, it is also important to put an end to impunity for those responsible for serious violations of international humanitarian, human rights and criminal law, in order to achieve real national reconciliation and rebirth.

The protection of civilians in armed conflict is a task that requires close coordination and cooperation among various organs of the United Nations system as well as with Member States and non-governmental organizations (NGOs). In this context, it might be worthwhile for the Security Council and the Economic and Social Council to convene a joint meeting to address the issue. Coordination among the relevant departments of the Secretariat should also be strengthened and continuously reviewed. We welcome in this context what has been done to improve coordination between the Department of Peacekeeping Operations (DPKO) and OCHA better to reflect the points made in the aide-memoire. Due attention should be paid to the aide-memoire at every stage of planning a response to a complex emergency situation.

The protection of civilians in armed conflict is not a new agenda item, but, as the road map demonstrates, there are still many tasks to be carried out. We must not forget that most civilian casualties have occurred in the course of emergencies that have been prolonged but have failed to attract much international attention. Japan welcomes further discussion, which will help us better to position ourselves to meet the wide range of challenges we face in addressing the question of the protection of civilians in armed conflict.

The President (*spoke in French*): I call on the representative of Switzerland.

Mr. Helg (Switzerland) (*spoke in French*): Switzerland welcomes this debate on the protection of civilians in armed conflict, and we are grateful to Mr. Egeland for his very promising contribution. I should like also to thank the Office for the Coordination of Humanitarian Affairs for the useful update of the aide-memoire and of the road map.

The new aide-memoire further takes into account the specific needs of women and children, as well as those of internally displaced persons. The new version of the road map facilitates the implementation of recommendations, thanks to the addition of a list of measures already taken, as well as of opportunities for action. We also welcome the attribution of concrete sets of responsibilities for the various recommendations. It now remains for us to ensure that these instruments are implemented and fleshed out by, for example, integrating the relevant provisions of Security Council resolution 1502 (2003) on the protection of United Nations personnel in conflict zones.

During the twenty-eighth International Conference of the Red Cross and Red Crescent, which recently concluded in Geneva, States discussed, under the general theme of human dignity, many aspects relating to the protection of civilians in situations of armed conflict or of disaster. The concept of human security creates a link between the humanitarian needs and the overall security needs of individuals. As a

member of the Human Security Network, Switzerland encourages the Security Council to endorse this multidimensional concept as a way of protecting human dignity and improving the well-being of vulnerable people.

The Red Cross Conference also adopted a Declaration and Agenda for humanitarian action. We invite the Security Council to take note of the important outcome of that Conference — the fruit of a unique exchange between States and civil society.

Respect for international humanitarian law and the principles of the rule of law, as well as the proper functioning of national and international justice, are key factors for the increased protection of civilians. International humanitarian law has been called into question on a number of occasions, following the emergence of new forms of conflict. The major challenge, however, remains to ensure that its principles are scrupulously and unfailingly implemented in all armed conflict situations by all parties to conflict, including non-State armed groups.

Switzerland strongly encourages the use of all available instruments, notably the International Criminal Court and the International Humanitarian Fact-Finding Commission, the latter of which was created on the basis of the First Protocol Additional to the Geneva Conventions. These mechanisms are fortifications against the weakening of international humanitarian law.

As the Depositary of the Geneva Conventions and their Additional Protocols, Switzerland calls upon all parties to those Conventions that have not already done so to ratify the Protocols and to consider lifting the reservations made in that respect.

Switzerland also welcomes the recent conclusions of the meeting of the States parties to the 1980 Convention on Certain Conventional Weapons relating to Protocol V concerning post-conflict measures on explosive remnants of war. Switzerland encourages States to ratify that Protocol, which gives us reason to hope that explosive remnants of war will be removed and eliminated as quickly as possible after the end of hostilities and that protection of civilian populations will thereby be permanently improved.

The obligation to guarantee safe and unhindered access for humanitarian actors and to people in need of protection and assistance is another important element. This is the responsibility of both States and non-State groups. It is also up to the Security Council to demand from all the actors involved, whether political, military or economic, greater diligence in providing protection for humanitarians. In this context, Switzerland calls for the effective implementation of the 2003 Oslo Guidelines on the Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies.

Finally, the fact that humanitarian workers have become the target of deliberate attacks and the victims of kidnappings, assault and threats is absolutely unacceptable. Such acts make impossible, or have a serious negative impact on, the work of humanitarian organizations in support of the victims.

It is imperative to put an end to impunity through national legislation and international law in the light of the relevant provisions of the 1998 Rome Statute. In order to improve the safety of United Nations humanitarian workers, it is also necessary to draw on the lessons set out in the report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq. We welcome the measures taken by the Secretary-General to follow up on the recommendations of the experts.

I would like to conclude by reaffirming that, because of its commitment to human security, Switzerland has significantly helped to promote and develop a culture of protection. We are thinking in particular about civilians in armed conflicts who have been left off political agendas, in areas often neglected by the media. We must protect the people in those conflicts in particular.

The President (*spoke in French*): I now call on the representative of Sierra Leone.

Mr. Rowe (Sierra Leone): My delegation appreciates the opportunity that you, Mr. President, and the other members of the Council, have afforded us to make a modest contribution to this new debate on the important issue of the safety of civilians in armed conflict. At the outset, we acknowledge and commend the efforts of the United Nations system, in particular the Office of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in accentuating the benefits of developing a culture of protection in the international community. The Organization as a whole has come up with guidelines and principles, including the aide-memoire

adopted by the Security Council last year, and various recommendations made by the Secretary-General himself, for alleviating the plight of civilians in areas of armed conflict. We would also like to express our thanks to Under-Secretary-General Egeland for his comprehensive briefing this morning, and for the updated version of the aide-memoire, as well as the 10-point platform for future collective action on this matter, which is of serious concern to all States.

As long as armed conflicts continue, incessantly, to take their toll on innocent people in various parts of the world, between and within States, and as long as some parties to such conflicts continue to ignore the basic principles of international humanitarian and human rights law, the Security Council must continue to undertake periodic reviews and in-depth assessments of measures that have been devised to ensure the effective protection of civilians in armed conflict.

First, we know that the tactics employed in deliberate acts of violence against civilians are changing rapidly. Secondly, as the Secretary-General reminded us recently, many of the political and legal instruments at our disposal for the protection of civilians in armed conflict are outdated. These periodic assessments by the Security Council should serve as a reminder of the need to adapt and update the appropriate instruments and guidelines to meet the new challenges posed by both State and non-State actors in areas of armed conflict.

The Sierra Leone experience, covering more than a decade of rebel atrocities, is a chapter by itself in what has become a voluminous record of lessons learned in the area of civilian protection in armed conflict in the post-world-war period. We understand, for instance, that the aide-memoire, which the Secretary-General once described as the centrepiece of a strategy for civilian protection, was usefully applied to the situation in Sierra Leone. My delegation believes that the authors of the document must also have learned from our experience in the difficult task of defending our people against the ruthless rebel attacks on the civilian population over a 10-year period. Indeed, the machinery established to address impunity — namely the Special Court — is itself unique in the annals of current and emerging international humanitarian law. Whether or not this hybrid court concept could be applied in other situations is debatable. Meanwhile, we are confident that its effectiveness as an instrument of protection will be realized in due course.

In reviewing and updating the aide-memoire, especially in the context of peacekeeping mandates of the Security Council, my delegation would like to draw attention to two elements pertaining to the protection of civilians in armed conflict.

First, we strongly believe that emphasis should be placed not merely on the obligation and responsibility to protect, but also on the capacity to provide protection. That applies to virtually all the internal and cross-border armed conflicts that have been raging, for example in our part of the world, the West African subregion.

Often the capacity of Governments, including the Government of Sierra Leone, to comply with obligations of protection under relevant international humanitarian law in the face of rebel atrocities perpetrated with the support of external elements is extremely — extremely — limited. We welcome the assistance provided by the international community to facilitate humanitarian emergency assistance to areas where the population was caught in so-called rebel-controlled areas.

Imagine the number of innocent civilians that could have been saved in Sierra Leone if, for instance, the democratically elected Government of Sierra Leone had had the capacity to respond to and avert rebel atrocities, including amputation, rape and many of the crimes now before the Special Court. Imagine the number of innocent lives that could have been protected and saved in the beleaguered city of Monrovia, next door to Sierra Leone, a few months ago if the Economic Community of West African States (ECOWAS) had had the capacity to respond rapidly — and I emphasize the word rapidly — to the serious humanitarian crisis that was evolving in that city. By capacity we mean not just the humanitarian or physical or monetary capacity, but also the moral and political capacity to avert humanitarian crises and protect innocent civilians.

It may be recalled that it was not until August 2000, and long after the rebels had begun their heinous crimes, that the Security Council, in resolution 1313 (2000), authorized the United Nations Mission in Sierra Leone (UNAMSIL) "within its capabilities and areas of deployment, to afford protection to civilians under threat of imminent physical violence". The dilemma was that while it was the responsibility of the Government to afford protection to its citizens, its

capabilities for doing so throughout the country were limited.

What inference do we draw from this in trying to develop the so-called culture of protection? We realize that those who are called upon or deployed to provide protection to civilians are themselves becoming targets of armed attacks. That is a challenge the Security Council must meet as part of its responsibility in developing the culture of protection.

The second element I would like to emphasize is this. We can establish legal instruments, develop appropriate guidelines and principles and establish special courts and tribunals. We can also continue to take concrete measures to separate civilians and armed elements in conflict situations and then give special attention to the specific needs of vulnerable populations such as women, the aged and children. We can facilitate the stabilization and rehabilitation of communities through disarmament, demobilization and resettlement programmes. All this can be done in the context of protection of civilians in armed conflict. Those are all laudable measures, and no one should underestimate them. However, we must admit that all those actions are essentially reactive. They have been devised in response to conflicts.

In the view of my delegation the most effective and lasting means of protection that States and the international community can afford to civilians lies in the prevention of armed conflict. A culture of protection is inextricably linked with a culture of prevention. This morning we heard representatives from Guinea, Chile, China, Angola, Cameroon and Pakistan all make references to the idea of prevention of conflicts.

In this regard, we recall the various recommendations of the Secretary-General for conflict prevention, including the 10 principles that he suggests should guide the Organization's approach to conflict prevention. We also recall the latest comprehensive General Assemoly resolution on the prevention of armed conflict, resolution 57/337 of 3 July 2003. We therefore call on the Security Council to take those recommendations into account in its review and consideration of future activities pertaining to the protection of civilians in armed conflict.

Given the international dimension of most armed conflicts in the world today, and realizing the complex and deep-rooted causes of those conflicts, we believe that the Security Council should assume a greater role in the peaceful settlement of disputes. As a result, it would be averting war, as well as the humanitarian consequences of armed conflict.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): Undoubtedly the Security Council's continued consideration of the issue of providing protection to civilians in armed conflict is a reflection of the recognition by the United Nations that the performance of the international community in that regard still needs further commitment, will and diligent collective work.

The Egyptian delegation would like to single out certain elements that we believe are important aspects of the issue under consideration today.

First, in the past few years and in a number of resolutions and presidential statements, the Security Council has been able to determine the elements and requirements for dealing with this issue in light of the provisions of international law, international humanitarian law and the principles of the United Nations Charter. However, we find hotbeds of armed conflict in the world today that give rise to alarming reports of an increase in violations and crimes against unarmed civilians, increasing numbers of victims and displaced persons, acts of destruction and the plundering of natural resources and cultural artifacts and heritage. All that reflects the continued inability of the international community to firmly and effectively stand against such violations, which are prohibited by international humanitarian law.

Indications and statistics of civilian victims on both the Palestinian and the Israeli sides, the number of houses that have been demolished, the lands that have been bulldozed in the occupied Palestinian territories and in many parts of Africa comprise irrefutable proof of that inability on the part of the international community.

We therefore believe that the most serious lack facing the world today is the lack of the collective international will that is supposed to be demonstrated by the United Nations in dealing with areas where there is the most suffering due to armed conflicts and their consequences for the lives and futures of all types of civilians.

Secondly, in spite of the importance of recognizing that there have been important

developments in expanding the mandate of United Nations peacekeeping operations to cover broader issues, including protecting civilians in armed conflicts and securing unhindered access by humanitarian assistance to them, we must also recognize that the training and deploying of the personnel in those operations are always done in accordance with the rhythm and commitment of each individual situation and in accordance with a very complex equation based on elements that can be attributed to intertwined political, security and economic interests.

In most cases, Security Council intervention to protect civilians in remote areas or to assist them in overcoming their particular dilemmas or crises comes too late or else is not commensurate with the security and emergency humanitarian assistance needs of the civilians in those areas. Perhaps the serious humanitarian situations that we witness daily in the international media and that are reflected in the reports of United Nations agencies and bodies — in the occupied Palestinian territories, Somalia, Burundi, Guinea-Bissau and other countries — are all examples of the imbalance in the international community's vision of dealing with threats to international peace and security, on the one hand, and the concept of providing protection to civilians living under foreign occupation or in armed conflicts, on the other.

Thirdly, it is necessary to understand that the concept of providing protection to civilians in armed conflict should not stop with the end of military operations. The comprehensive concept of such protection should extend into post-conflict peace-building, which should include the humanitarian, social and development dimensions that are linked to rehabilitation and reconstruction. The legacy of armed conflicts in terms of their destruction of the social and economic infrastructure of their societies represents the most serious threat to the lives and future of civilians. Peace, in its security and political dimensions, will remain fragile and vulnerable if not complemented by focused and comprehensive development programmes and plans.

Fourthly, and finally, focusing on providing protection to civilians in armed conflict should not compromise the cornerstones of the Charter of the United Nations, represented by the principles of political independence and sovereignty of regional States and their responsibility for their citizens and their jurisdiction over their own territories. It is absolutely necessary to balance the right of civilians to protection with the right of each State to sovereignty. The international community's treatment of and respect for one of those rights should not be at the expense of the other. In that regard, in dealing with the issue of protecting civilians in armed conflict, the international community should be committed to and guided by the provisions of the Charter of the United Nations and those of international law.

Mr. Giraldo (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Mr. President, on taking over the Presidency of the Security Council this month. I would also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for the outstanding presentation he has given us on the topic we are discussing at today's Council meeting.

A year ago, in her statement to the Council, the Minister for Foreign Affairs of Colombia highlighted the worsening situation of armed conflicts, in which 90 per cent of the victims are civilians, along with terrorism and the ensuing humanitarian tragedies such as those we witnessed in Rwanda and Srebrenica, demonstrate that contemporary conflicts deliberately target unarmed civilians. She also decried, in parallel with the Secretary-General's report at that time, the illegal financing of conflicts and terrorism by means of trade in illicit drugs, kidnapping and extortion — criminal activities that target helpless civilians. That is why, in supporting the inclusion in the aide-memoire on the protection of civilians in armed conflict of a chapter on the illicit exploitation and trade in natural resources, we wish to state our conviction that any consideration of that topic must include due consideration of criminal activities such as trade in illicit drugs, kidnapping and extortion.

Colombia supports those ideas because they reflect elements that underpin the democratic security policy promoted by President Alvaro Uribe Vélez since August 2002. That policy is not designed to give more power to the State for its own sake, but to prepare the State to better protect the civilian population in all areas and, most especially, from the dangers inherent in armed conflict, and in order to secure the rights and freedoms of all its citizens throughout the national territory. That policy seeks to restore the rule of law and the capacity to deter violent agents by strengthening the legitimate armed forces of the State. That policy maintains an open door to political

negotiation with illegal armed groups, as long as they suspend hostilities and respect the ceasefire.

During President Uribe's first year in office, the democratic security policy that has been applied to uproot terrorism is now producing its first results, and I should like to cite just a few figures. There is now a police presence in every municipality of the country, including 170 where there were no police before. The homicide rate has dropped 22 per cent; massacres by 35 per cent; kidnapping 34.7 per cent; illegal roadblocks by 49 per cent; and the number of internally displaced persons has diminished by 66 per cent. All of that has been achieved while respecting the law, which is evidenced by the fact that the only complaints of human rights violations are as a result of individual initiatives on the part of some agents of the State — whose cases are being investigated and prosecuted, as necessary — have dropped by 95 per cent. Those meaningful advances in the protection of our citizens have elicited the support of the Colombian people, which is supporting the Government and actively cooperating with the authorities in restoring the rule of law and in isolating violent agents.

If we are to continue our efforts to overcome terrorism in strict respect for the law, however, we need greater powers in keeping with the law. Currently, the Government is seeking a constitutional amendment to enable the public forces, in cases of terrorism, to bring specialized staff to bear in order to arrest, search and intercept suspects. Those measures are to contain democratic safeguards, such as the necessary intervention of an independent prosecutor in the hours following such action, and with the proviso that the Attorney-General's office be informed, as well as the Congress — which is important for political control of operations. The powers proposed are much less extensive than those currently found in the democracies of developed countries that are not confronting a domestic conflict or terrorist threat of the magnitude Colombia faces.

Finally, the democratic security policy has filled in certain administrative gaps, making it possible to disarm and demobilize 1,000 members of illegal armed groups. Presently there is a law before the Congress to make that process viable on the basis of justice, reparation and reconciliation. The reintegration of those former combatants in civilian life will require additional efforts and the support of the national and international community.

A chapter of the aide-memoire that requires special attention and care concerns humanitarian assistance and the access of humanitarian organizations to the victims of conflict and the vulnerable population.

We believe that it is fundamental for the dialogue between the receptor State and the international community to be based on General Assembly resolution 46/182, which recognizes the basic principles of neutrality and impartiality in the provision of humanitarian assistance, as well as the requirement of consent from the receiving State for the provision of such assistance. As it is incumbent upon the receiving State to guarantee the security of humanitarian staff, humanitarian organizations must be subject to restricted access in zones of conflict where the security of the humanitarian staff cannot be reasonably assured.

To initiate unauthorized dialogues with illegal armed groups in order to obtain access implies a twofold risk. On the one hand, it endangers the security of humanitarian personnel since many of these armed groups do not respect international humanitarian law, and there is also the risk of engaging in political negotiations, which is the prerogative of the Government and which is not consonant with the basic principles of neutrality, impartiality and transparency for humanitarian work. In addition, this places on an equal footing authorities arising from a democratic decision with illegal armed organizations that flaunt their rifles as a token of their claimed rights. These are organizations that can violate their undertakings with impunity and which, at least in my country, have demonstrated that they do not respect the immunities that treaties and civilized actors grant to the personnel and property of the United Nations.

We welcome any path that leads to lessening the suffering of the civilian population within armed conflict. But the optimum, the irreplaceable, the definitive way of protecting the entire population is just to put an end to these conflicts. I know this is a truism, but it is sometimes forgotten, and it is our duty to promote, demand and support any procedure that will lead to the end of these conflicts.

In the case of democracy in Colombia, it is also necessary to support policies that seek to strengthen institutional mechanisms, and to start by giving the armed forces that serve and uphold law and justice sufficient capacity, acting as they do within the universal principles of respect of human rights and rule

of national law. If they are not so trained and empowered, conflicts provoked by illegal armed actors will drag on and on, will worsen, will deteriorate, will mutate, will turn against civilians, will resort to savage terrorism, and will fund it by exploiting illicit resources, and, losing sight of their political dimension, become a criminal lifestyle based on illegal and abundant resources. These are precisely the elements, in illegal armed groups, that make them degenerate into tools of death against women, children and helpless, peaceful civilians.

Allow me to conclude by emphasizing that, when confronted with violence and terrorism, as the Charter says, we must "reaffirm faith in fundamental human rights, in the dignity and worth of the human person ...". The United Nations must preserve the dignity of each and everyone, the right to life and the right to live without fear. These are universal public goods, which, as our Minister for Foreign Affairs said a year ago in this room, can only be preserved by the community and with the collaboration of all its members. This is the domain of our shared responsibility.

Mr. Kim Sam-Hoon (Republic of Korea): I would like to express my delegation's appreciation to you for convening this open meeting of the Security Council on such an important issue. From the increasing wave of civil conflicts in the 1990s to the critical surge of terrorism today, we are living in an age in which the protection of civilians has moved to the top of the security agenda. It is therefore most appropriate that the Security Council periodically takes up this item.

The delegation of the Republic of Korea cannot but begin by paying tribute to the United Nations staff and international humanitarian personnel who have worked tirelessly to alleviate the sufferings of civilian populations in armed conflict. This year has proved to be a particularly tragic one. In Afghanistan and Iraq, many of them paid the ultimate sacrifice with their lives. The brutal attack perpetrated on United Nations headquarters in Baghdad on 19 August 2003 shocked the international community. And just last week, four Korean workers were senselessly attacked in Northern Iraq — two of them died — during their mission to repair electric transmission towers. We strongly condemn these horrendous acts of terror against civilians.

The civilian or non-combatant casualties in armed conflict have dramatically increased in recent decades, particularly due to the changing nature of conflicts from inter-State to intrastate wars fought more often by militias and armed groups than by national armies. The statistics depict a grim picture. In the Democratic Republic of the Congo, over 3 million deaths have been recorded. Over the past year alone, the displacement of persons in Uganda has increased from 600,000 to 1.3 million, and in Angola, more than a third of its population has been displaced in two decades of conflict. In the case of Afghanistan, a quarter of a century of strife has left millions in abject poverty.

Given its primary responsibility in maintaining international peace and security, the Security Council has a leading role to play in protecting civilians in conflicts. Alarmed by the deepening plight of civilians in armed conflicts, the Republic of Korea brought the matter to the Council's attention by conducting an open debate on "the protection of humanitarian assistance to refugees and others in conflict situations" during its presidency of the Security Council in May 1997. Since then we have been closely following the developments on this subject.

In our view, the adoption of Security Council resolutions 1265 (1999) and 1296 (2000) reaffirmed its commitment to protecting the civilian population in their greatest hour of need. While the Council has, inter alia, emphasized the need to protect civilians on a case-by-case basis, taking into account the particular circumstances, its aide-memoire of March 2002 has served as a practical guide to transforming what the Secretary-General has termed the "culture of protection", into a reality. We believe that the aide-memoire should be updated regularly to keep abreast with current developments.

The protection of civilians is a highly complex and intractable question, but is a matter of priority to the international community. We must ensure that humanitarian tragedies, such as in Rwanda and Srebrenica, never take place again. Given the lessons painfully learned, the United Nations has succeeded in its interventions in the Balkans, East Timor and Sierra Leone. But there is no time for complacency. We believe that the international community must play an important part in situations where sovereign States are unable or unwilling to protect their own people. In today's world of interdependence, catastrophic humanitarian conditions in failed States can spread far

beyond their borders. We are of the view that the Security Council bears significant responsibility and authority in dealing with massive humanitarian atrocities. As the sole international institution to authorize ultimate use of force by States, the Security Council must not be discouraged from using all persuas' e and coercive instruments at its disposal.

We are encouraged by the visits of the Security Council missions to areas of conflict where the civilian sectors have suffered enormously in the cycle of conflict. The firsthand information gained by the missions can significantly contribute to developing a more effective framework for civilian protection. In this regard, the Security Council missions to Central Africa, West Africa and Afghanistan were welcome developments.

We also view ending the culture of impunity to be vital to assuring the safety of civilians. The establishment of the International Criminal Court, as well as the ad hoc international criminal tribunals for the former Yugoslavia, Rwanda and Sierra Leone, has constituted a crucial step forward in affirming the principle of accountability. In this regard, we also note that the breakdown of law and order contributes to an atmosphere of despair and desperation that easily becomes a breeding ground for terrorists.

We fully support the concerted endeavours of the United Nations and its partners to sustain international attention on this subject. We commend their initiatives, such as the holding of workshops to address the challenges from a regional perspective. Such forums have proved to be most useful in disseminating the aide-memoire framework and mainstreaming its provisions into national, regional and international decision-making processes.

Civilians in conflict and post-conflict areas must also be protected from exploitation and abuse by international workers and peacekeeping forces. The six core principles in the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, adopted by the Inter-Agency Standing Committee in July 2002, have now been incorporated into the codes of conduct and staff rules applicable to United Nations civilian personnel. We are encouraged to note that peacekeeping missions such as the United Nations Mission in Sierra Leone and the United Nations Organization Mission in the Democratic Republic of the Congo are also adopting them as their rules.

In deliberating on various aspects of this important subject, my delegation would like to underscore that the primary responsibility for the safety of civilians rests with the parties to a conflict, whether State or non-State actors. While international engagement can be instrumental, a peaceful outcome can only be realized if all concerned parties fully understand and uphold their obligations and commit themselves to renouncing violence against innocent people.

Finally, in light of the related issues also on the Council's agenda, including child soldiers and gender issues in conflict situations, we believe that the successful implementation of protection strategies hinges on the development of a comprehensive and integrated approach. As reflected in our deliberations, there has been much progress in recent years. Yet, more needs to be done. We can best measure the degree of our success by the lives of innocent people saved through judicious and decisive action. At the same time, in the longer term, we should continue our endeavours to promote a culture of protection by generating respect, tolerance and understanding among peoples.

The President (*spoke in French*): I now give the floor to the representative of Norway.

Mr. Strømmen (Norway): I thank Under-Secretary-General Egeland for a very useful briefing this morning.

Civilians have become the principal victims of war, especially in internal armed conflicts. While armed conflicts have always put civilians at risk, now they are at the very centre of conflicts, as targets and as objects of abuse and exploitation. Our response to this development must be comprehensive and needs to involve many different actors. In order to respond effectively, there are a number of things that must be in place.

Protection of civilians must be made an overriding principle for international involvement in conflict areas. For the Security Council, this means that United Nations peacekeeping operations must be given strong mandates and adequate resources to protect civilians. The Security Council must systematically apply the resolutions that have already been adopted on

the protection of civilians when adopting new mandates and reviewing existing ones. The newly updated aide-memoire of the Office for the Coordination of Humanitarian Affairs and the road map are, indeed, very useful tools to this end. By building on these adopted texts, the Council can continue to spearhead the formulation of United Nations policy and inspire the comprehensive response from the United Nations system needed to provide efficient protection for civilians in armed conflict.

Respect for international humanitarian law must be reinforced as it is part of the bedrock of the international legal order. Governments cannot interpret these binding rules as relative norms that can be set aside as new patterns of conflict develop. International humanitarian law also applies in present-day conflicts.

We all know how media coverage affects our perception of humanitarian crises. Once international focus is turned away from a humanitarian crisis, the sense of urgency lessens and funding is less readily available. We must counteract this effect through responsible donorship. Humanitarian assistance should be based on needs, not on media coverage or other political priorities alone. Unfortunately, humanitarian aid has in many instances turned out to be a long-term challenge. In appreciation of this fact, the Norwegian Government continues to provide assistance to several areas that are no longer in the headlines. The notion of forgotten conflicts is an insult to those who are exposed to our neglect.

Access to internally displaced and other vulnerable populations continues to be a major problem. Humanitarian organizations are too often left alone to negotiate access with the authorities or armed groups that see humanitarian aid not as impartial emergency relief but as a strategic means to an end. The international community needs to use its influence to secure access for humanitarian aid behind the lines of fire. In extreme cases, United Nations-mandated troops may be required to create a secure environment.

Humanitarian actors must be allowed to carry out their work. My Government is outraged by the instances in which humanitarian actors have been deliberately targeted. We need to engage in a broad political dialogue in order to strengthen the legitimacy, integrity and security of humanitarian action.

Several questions need to be addressed: first, international agencies should take a closer look at how they operate on the ground, in order to ensure legitimacy and local support. We must avoid a situation in which security arrangements for humanitarian personnel create a greater distance between aid workers and the local population.

Secondly, the international humanitarian dialogue must be revitalized and broadened. As donor Governments, we must be open to consultation and coordination that cut across traditional divisions. Major host countries of refugees, other countries in conflict-ridden regions and traditional and new donor countries alike should be more closely involved in cooperation on how to prevent humanitarian suffering and ensure access and opportunity to alleviate humanitarian suffering.

Thirdly, as part of this dialogue, we need a more thorough analysis and discussion of how humanitarian agencies and military or peacekeeping forces can best interact to increase security and access to vulnerable groups without compromising the humanitarian agencies.

Our inability to assist civilian victims of conflict represents a challenge to the legitimacy of all efforts to promote international peace and security. We are therefore encouraged by the Council's continued focus on these matters. We also appreciate the strengthened cooperation between the United Nations and other agencies. Norway has taken an interest in the issue of protection of civilians in armed conflict for quite some time. We shall continue to work actively to assist policy formulation in cooperation with the Office for the Coordination of Humanitarian Affairs and other interested Member States in the support group for the protection of civilians in armed conflict.

The President (*spoke in French*): I now call on the representative of Azerbaijan.

Mr. Amirbayov (Azerbaijan): I would like to congratulate Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, on his assumption of his important tasks and wish him every success in that responsible position. I would also like to join previous speakers in expressing our gratitude to the Bulgarian presidency of the Security Council for convening this meeting on an agenda item that is of particular interest to all Member States.

Previous discussions of the problem, which resulted in the adoption of the aide-memoire and the consequent review of its implementation, have underlined the importance of developing a comprehensive approach to the protection of civilians. One has to recognize that this set of principles has made it easier for us to further explore the United Nations capacity to safeguard civilians, who are the primary victims of violence during armed conflict.

We agree with the observations made earlier by several speakers that the primary concerns in situations of armed conflict arise from our limited capacity to ensure timely and immediate access and delivery of humanitarian assistance to civilian populations; address the emergency needs of refugees and internally displaced persons, including women and children; provide security for humanitarian personnel acting in the field; and in general guarantee that parties to a conflict comply with their obligations under international humanitarian law. Regrettably, those fundamental principles are not always respected in situations of armed conflict. We are still witnessing the fact that combatants in armed conflict often inflict irreparable damage on civilians.

We concur with the comments made earlier that we cannot wait for the resolution of armed conflicts in order to protect civilians and that we must act rapidly to prevent further violence. However, one also should not forget that the settlement of an armed conflict is the best option for ensuring that those who were targeted with systematic violence will not be physically abused again. Therefore, in our view, the issue of the protection of civilians is multidimensional in nature and must be considered in combination with all possible interlinkages to the processes of prevention and resolution of armed conflicts.

We believe that civilian populations in armed conflicts would be much better protected if the Security Council and its member States, displaying determination and consistency, were to ensure the appropriate reaction of the international community to civilian emergencies created as the result of hostilities and armed conflicts. It is with a certain degree of disappointment that we sometimes witness a lack of will on the part of the Council to ensure the implementation of the resolutions it has adopted on the settlement of some armed conflicts, as well as to deal on a case-by-case basis with the reality of those hostilities and their impact on civilian populations.

However, we are still optimistic and firmly believe that the Security Council has a key role to play in ensuring that civilians are duly protected and that the implementation of its resolutions on the settlement of certain armed conflicts, even if active combat activities have not been registered in recent years, is undertaken in a more vigorous and discernible manner. Here, I cannot but fully endorse the view expressed earlier by the Norwegian representative, who said that the notion of forgotten conflicts is an insult to those who are exposed to international neglect.

Another major preoccupation is linked to the magnitude and forms of violence committed against civilian populations in situations of armed conflict. We are concerned that such violent manifestations have drastically increased in recent years, whereas women and children constitute the most deliberately targeted victims.

While fully understanding the fact that the primary responsibility for the protection of civilians rests with the Governments concerned, we have to admit that, on territories which are outside the control of legitimate authorities, the States concerned are not the only ones that should be blamed for the impunity of and failure to prosecute those responsible for crimes against civilians committed on those territories. Despite the fact that some armed conflicts have been regionalized and even internationalized, we have to admit that some contemporary armed conflicts involve Member States that are keen to support illegally functioning non-State actors on the territory of other sovereign States, fuelling violence and hostilities on ethnic, religious and national grounds.

In this regard, the anxiety and apprehension of the affected country should be heard and duly considered by the Council's members. The input of those States that have been affected by armed conflicts, but that, at the same time, are not members of the Council, could contribute to identifying the elements that are peculiar to that very country and might not be noticed by the Council itself. Such an exchange of experience would serve the interests of all sides involved in shaping a better United Nations response on the protection of civilians in armed conflict.

As a country subjected to the aggression of a neighbouring State and concerned with the non-implementation of relevant Security Council resolutions related to that situation, Azerbaijan believes

that the revised version of the aide-memoire, which is aimed at bringing the culture of protection into reality, can prevail only if it takes due note of the lessons learned from all the armed conflicts of which the Security Council has been seized in its work.

The President (*spoke in French*): I call on the representative of Canada.

Mr. Laurin (Canada) (*spoke in French*): Canada welcomes this open debate on the protection of civilians in armed conflict. We thank the Under-Secretary-General for his impassioned statement and for the updated aide-memoire and the road map.

Mr. Egeland rightly focused on the need for more consistent and deliberate action. Indeed, if the Council is serious about protecting civilians, it must translate rhetorical commitments to international humanitarian law, human rights and refugee law into action at the country level. The Council must continue to be proactive in monitoring the implementation of its protection-related commitments in the countries under its consideration. It should draw on lessons and be prepared to rethink its strategic approaches when they are at cross-purposes with its responsibilities for protecting civilians. The Council should deliver.

Canada fully endorses the 10-point platform laid out by the Emergency Relief Coordinator and the use of the aide-memoire and the road map to buttress those efforts. Given the current international environment, those tools are essential in helping guide the efforts of the Council and other actors.

A good framework exists. Over the past four years, the Council has developed a comprehensive agenda to strengthen civilian protection. Resolutions 1265 (1999) and 1296 (2000) — along with those on conflict prevention, women, peace and security, children and armed conflict, the safety of humanitarian workers, impunity, and the exploitation of natural resources — lay out a clear set of mutually reinforcing Council commitments.

And yet, while the resolutions may provide a framework for Council action, they equally provide a benchmark for holding the Council accountable for inaction. Canada welcomes the inclusion of protection components in recent peace operations, including those in the Democratic Republic of the Congo and Côte d'Ivoire. We recall that, when peace operations are given such responsibilities, they must also be given unambiguous mandates and adequate financial and human resources to facilitate civilian protection. For example, we also know that the effective presence of child-protection advisers in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has had a positive impact on the lives of children. We know from other peace operations that the inclusion of gender advisers is essential in order to adequately address the specific protection needs of women and girls.

The Council must continue to devote attention to civilian protection issues in its field missions, as was recently the case with the missions to Afghanistan and West Africa. As part of those missions, the Council should seek to meet directly and regularly with affected populations in order to better understand their perspective. Council missions are indispensable opportunities to urge parties to a conflict to permit safe and unimpeded access by aid workers to those in need, to ensure that there is no impunity for genocide, war crimes and crimes against humanity and to ensure that United Nations missions are vigilant in their efforts to protect civilians from gender-based violence and to implement strategies to meet the needs of displaced populations.

We applaud the Council's efforts to develop more-targeted sanctions regimes that, among other things, focus on arms embargoes, the seizure of assets, bans on travel and restricting the trade in certain commodities. For those efforts to produce results, the potential humanitarian impact of sanctions on civilian populations should be more clearly identified so that it can be minimized.

(*spoke in English*)

The Council has recognized that the illicit exploitation of natural resources perpetuates violent conflicts that undermine the safety and well-being of civilians. The recent report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo demonstrates once again the risks that natural resources can pose to sustainable peace. The Council must continue to undertake effective monitoring, including the use of panels of experts. It must also continue to encourage full participation in international mechanisms to address illicit exploitation, such as the Kimberly Process on conflict diamonds.

Finally, the Council's efforts to protect civilians must not simply be restorative, but preventative as well. In that respect, the Council should show greater willingness to draw on United Nations human rights mechanisms for early warning, promote preventative deployment and diplomatic initiatives and urge adherence to, and respect for, international legal instruments. It must also be vigilant. In the immediate post-conflict environment, even where a peace agreement exists, civilians may remain at risk.

To succeed, this initiative must be viewed as a shared commitment. It requires more than the Council. Let me affirm Canada's strong support for this agenda. We have been pleased to work with the Office for the Coordination of Humanitarian Affairs and others on a variety of related initiatives this past year, and we will continue to do so. But all Member States have a role to play. Regional organizations have a role to play. Non-governmental actors, including the private sector, have a role to play. Above all, parties to armed conflicts must take responsibility and must be held accountable for protecting war-affected populations. The International Criminal Court (ICC) is a key instrument in ensuring that accountability. We again urge the Council to do all it can to support the ICC in this vitally important work.

To the Secretariat and United Nations agencies I say: be bold. Previous resolutions have given you the authority to bring to the attention of Member States circumstances that demand their attention so that civilians may be protected. In your reporting, provide the Council and other appropriate bodies with concrete advice and recommendations based on monitoring of the situation so that they have guidance. Help the field use the road map that you have developed.

Let us be clear on the consequences of not fulfilling our objectives. The suffering of individual civilians caught up in various conflict zones will persist — whether those civilians are displaced, separated from their families, missing or exploited. The protection of civilians is not a North-South issue. It should not be marginalized because it is sensitive, or not implemented because of a lack of tools.

In closing, Canada joins other delegations in calling on the Council to adopt the revised aide-memoire and to endorse the road map as a complementary tool for effective follow-up on the protection of civilians agenda. We have a genuine chance to ensure that civilian survival is higher than at any time in the past. We must seize the opportunity.

The President (*spoke in French*): We have heard the last speaker inscribed on my list.

I now give the floor to Mr. Egeland to respond to comments made during today's discussion.

Mr. Egeland (*spoke in French*): Allow me, first of all, to express my most sincere condolences to the Government and citizens of the Russian Federation for the fearsome suicide attack that occurred this morning in Moscow.

I would like to express my great gratitude to the members of the Security Council for their sustained interest in the protection of civilians in armed conflict. I am very encouraged by the ongoing interest demonstrated by the Council during this meeting. A number of members emphasized the central role played by the protection of civilians in the Council's activities, and we are extremely grateful. I am also very touched by the Council's unanimous support for the road map and the aide-memoire.

I note the concern expressed by the representative of France, as well as a number of other representatives. I share that concern about the politicization of humanitarian access. As many speakers have stated, access is essential in the protection of civilians.

(*spoke in Spanish*)

As this was my first opportunity to hear the opinions and ideas of the members of the Security Council, I am very grateful to the Council for the advice members have offered for my future work in turning principles into reality for vulnerable populations in areas of conflict on several continents. Allow me to comment on a few of the topics raised in this important debate.

The representatives of Spain, Chile and Mexico, among others, focused on the need to create a culture of protection and concrete mechanisms to protect women and children in particular. Those speakers underscored the seriousness of sexual violence against women and children. As I said in the briefing, that is one of our most urgent priorities. We require the Council's ongoing valuable support in that regard.

Mexico, as well as other members, also spoke of the need to consistently and comprehensively address disarmament, demobilization, reintegration and

repatriation or resettlement and the trafficking in small arms from a regional perspective. That is another important area in which we hope to work in close cooperation with the Security Council.

(*spoke in English*)

I am grateful to representatives who gave perspectives on advocacy in respect of access by and security of humanitarian workers. I wholeheartedly agree that that must be addressed far more systematically in all our operations. It is important that we convey the right message to all parties to a conflict and reinforce our impartiality and neutrality. I will be taking this forward with my colleagues within the Secretariat and in the humanitarian agencies. I've also taken note of your concern that we continue to develop across the United Nations system a clear, coordinated approach to the delivery of effective protection of civilians, as urged most recently by Canada, Norway and others. We also welcome the call for robust action at the national, regional and international levels against those who break the rules and attack humanitarian personnel.

My Office will also give more thought as to how we can respond to the suggestion made by the Permanent Representative of the United Kingdom and others about developing a framework that establishes indicators of compliance with international humanitarian refugee and human rights law. By the next report, I hope that we will be able to outline concrete elements of an information system to provide systematic reporting to the Council on the effectiveness of the current protection of civilians framework, both institutionally and in specific field situations.

We will further consider how to address to the next Secretary-General's report the suggestion by Pakistan for regular and specific information on the scale, the locations and allocated responsibilities in areas where protection of civilians is a major concern. I welcome the support that I heard for integrating protection of civilians into Security Council peacekeeping mandates. This makes an important difference to our work on the ground.

Finally, while the role of the United Nations is unquestionably important for the protection of civilians, I am grateful to the representative of China and others for reminding us that it is the Member States of the United Nations and the parties to conflicts that bear the primary responsibility. Many statements in the Council today have called for robust implementation and resourcing of measures to strengthen the protection of civilians on the ground by all parties to conflicts. With that in mind, I am extremely grateful to members of the Security Council for their solid support of the proposed 10-point platform for action that I outlined this morning. Your leadership on this is vital, and we look forward to close collaboration with you, as we work together to move forward with the protection of civilians agenda in very concrete ways.

The President (*spoke in French*): I thank Mr. Egeland for his additional comments, which were very interesting.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.35 p.m.